

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Benjamin Dow)	
)	
Certificate 215854)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 8, 2005. On April 12, 2005, the Office of Teacher Certification sent Benjamin Dow a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Mr. Dow received the notice, as evidenced by the signed postal receipt bearing his signature. Mr. Dow did not request a hearing during the period specified by the notice letter. After considering the evidence presented, the State Board voted to suspend Mr. Dow's certificate for one year.

FINDINGS OF FACT

Mr. Dow holds a valid South Carolina educator certificate with over one year of teaching experience. Mr. Dow held a contract for the 2004-2005 school year with the Greenville County School District (District). Mr. Dow was assigned as a special education teacher at Woodmont Elementary School. On February 17, 2005, Mr. Dow notified the District that his last day of employment would be March 4, 2005. On March 16, 2005, the District notified Mr. Dow that his resignation was not in compliance with District policy. On March 23, 2005, the District Board of Trustees voted to request suspension of Mr. Dow's certificate as a result of his breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Mr. Dow breached his contract with the Greenville County School District, warranting the suspension of Mr. Dow's certificate 215854 for a period of one year, from June 8, 2005, through June 7, 2006. Should Mr. Dow wish to have his certificate reinstated at the end of the suspension period, he may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina

June 8, 2005